

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WILLIAM BARCELONA, :
Plaintiff, : Case No. 3:06CV382
vs. : District Judge Walter Herbert Rice
MICHAEL J. ASTRUE, : Magistrate Judge Sharon L. Ovington
Commissioner of the Social
Security Administration, :
Defendant. :

**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON
JANUARY 15, 2008(DOC. #10); REMANDING CASE TO THE COMMISSIONER AND
THE ADMINISTRATIVE LAW JUDGE UNDER SENTENCE FOUR OF 42 U.S.C. §405(G)
TERMINATION ENTRY**

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #10), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on January 15, 2008 (Doc. #10) is **ADOPTED** in full;
2. The Commissioner's non-disability finding is vacated;
3. No finding is made as to whether Plaintiff William Barcelona is under a "disability" within the meaning of the Social Security Act;

4. This case is remanded to the Commissioner and the Administrative Law Judge under Sentence Four of 42 U.S.C. §405(g) for further consideration; and
5. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge